

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

Joshua Murphy,

**Plaintiff,**

V.

## The Attorney General of California,

Defendant.

No. 2:19-cv-02546-KJM-GGH

## ORDER

17 On December 18, 2019, petitioner Joshua Murphy filed a writ of habeas corpus. ECF  
18 No. 1. Mr. Murphy paid the filing fee and did not proceed in forma pauperis. Order of Findings  
19 and Recommendations at 1, ECF No. 4. On September 15, 2020, Magistrate Judge Hollows  
20 issued Findings and Recommendations. ECF No. 18. On October 29, 2020, the undersigned  
21 adopted the Findings and Recommendations and dismissed the petition without prejudice for  
22 failure to exhaust state remedies. *See generally*, Order, ECF No 20. On November 23, 2020, Mr.  
23 Murphy filed a notice of appeal and a motion to proceed in forma pauperis. ECF Nos. 22 & 23.  
24 Under the Federal Rules of Appellate Procedure, “a party to a district-court action who desires to  
25 appeal in forma pauperis must file a motion in the district court.” Fed. R. App. P. 24(a)(1). If the  
26 petitioner was not previously granted in forma pauperis status, the petitioner must attach to their  
27 motion an affidavit that: “(A) shows in the detail prescribed by Form 4 of the Appendix of Forms  
28 the party's inability to pay or to give security for fees and costs; (B) claims an entitlement to

1 redress; and (C) states the issues that the party intends to present on appeal.” Fed. R. App. P. 24  
2 (a)(1); *see also* 28 U.S.C.A. § 1915(a)(1).

3 Mr. Murphy’s motion consists only of the District Court’s form Application. ECF No. 22.  
4 Mr. Murphy does not attach an affidavit outlining his claims for redress or the issues to be  
5 presented on appeal. As Mr. Murphy did not previously have in forma pauperis status and fails to  
6 attach an affidavit to his motion that meets the requirements of Fed. R. App. P. 24 (a), his motion  
7 to proceed in forma pauperis is **denied**.

8 This order resolves ECF No. 22.

9 IT IS SO ORDERED.

10 DATED: December 15, 2020.



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CHIEF UNITED STATES DISTRICT JUDGE